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DRAFT REPORT OF THE COMMISSION

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E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/102. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 41st meeting, on 25 February 1994, the Commission on Human Rights, noting resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse:

(a) The request to Mr. Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

(b) The invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

(c) The request to the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

(d) The invitation to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. XVII.]

1994/103. Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 55th meeting, on 4 March 1994, the Commission decided, without a vote, to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider, without prejudice to the independence of the Sub-Commission and its members, its decisions to recommend the new studies and related efforts identified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Sub-Commission (E/CN.4/Sub.2/1993/45-E/CN.4/1994/2). The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations, having due regard for any working

papers the experts may wish to prepare without financial implications, to the Commission at its fifty-first session, in so far as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8 of 26 August 1992), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

[See chap. XVII.]

1994/104. Traditional practices affecting the health of women and children

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote to endorse the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. XVII.]

1994/105. Cultural and intellectual property of indigenous people

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/44 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided without a vote, to endorse

the request to the Special Rapporteur, Mrs. Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session; requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the accomplishment of her task; decided that the title of the study should be "Protection of the heritage of the indigenous people"; and recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting decision 1994/... of ... February 1994 of the Commission on Human Rights, welcomes the study by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28); authorizes her to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people; requests her to submit her preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all necessary assistance to accomplish her work; and approves the new title of the study, 'Protection of the heritage of the indigenous people'."

[See chap. XVII.]

1994/106. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting decision 1993/110 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to authorize the Sub-Commission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and also to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva

for consultation with the Centre for Human Rights; and requested the Economic and Social Council to endorse the above-mentioned decision of the Sub-Commission.

[See chap. XVII.]

1994/107. The right to a fair trial

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to express its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorses the request of the Sub-Commission to the Special Rapporteurs to continue their study, taking into account, inter alia, the comments made in the discussion of their preparatory,
preliminary and progress reports and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations; decides to consider at its fifty-first session the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, taking into account the consideration of the Sub-Commission thereon at its forty-sixth session; and recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council recalling its decision 1993/291 of 20 July 1993, approves the endorsement by the Commission on Human Rights, contained in its decision 1994/107 of 4 March 1994, of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary to enable them to carry out their work successfully."

[See chap. XVII.]

1994/108. Situation of human rights in China

At its 65th meeting, on 9 March 1994, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 20 to 16, with 17 abstentions, to take no action on draft resolution E/CN.4/1994/L.83.

[See chap. XVII.]

1994/109. Situation of human rights in Jammu and Kashmir

At its 65th meeting, on 9 March 1994, the Commission decided, without a vote, not to take action on draft resolution E/CN.4/1994/L.40.

[See chap. XII.]

1994/110. Question of human rights in Cyprus

At its 66th meeting, on 9 March 1994, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fifty-first session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]